IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 556 of 2005

Between:

G. Tirupala Reddy, S/o. Satya Kamalakar Reddy,
R/o. 13/502, Y.V. Street, Kadapa.

..... PETITIONER

AND

1 The District Collectore, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Kadapa./
3 The Mandal Revenue Officer, Kadapa.
4 J. Raghunatha Reddy, S/o. J. Laxminarayana Reddy,
4/633-12, Aravinda Nagar, Kadapa.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the Impugned proceedings in Ref.No. B/389/2004, dt. 8-1-2005 of the 3rd Respondent as being arbitrary, illegal unreasonable and contrary to the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and rules made there under and also without jurisdiction and consequently set-aside the same and pass such other order or orders

Counsel for the Petitioner:MR.RAMA RAO GANTA

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be in possession of land in Survey No.603, 604, 605 and 611, Ukkayapalli village, Kadapa Mandal and District. It is also stated that after an enquiry, a pattadar passbook was also granted to him in the year 1989 and that he is paying the cist regularly. While so, the Mandal Revenue Officer issued impugned proceedings dated 8.1.2005 calling upon the petitioner to produce the records in support of his right over the subject land on 25-1-2005 for verification. Questioning the said action, the present writ petition is filed.

Learned counsel for petitioner submitted that on instigation of the 4th respondent, the Mandal Revenue Officer is trying to cancel the patta granted in favour of the petitioner and that the Mandal Revenue Officer has no power or jurisdiction is issue the impugned order.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

By the impugned proceedings, the petitioner was only called upon to produce the documents in support of his right over the subject property and it is not a final order. The petitioner can as well raise all the contentions raised in the present writ petition, including the jurisdiction, before the Mandal Revenue Officer. In that view of the matter, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to raise all his objections before the third respondent /Mandal Revenue Officer. On filing such objections, the first respondent is directed to consider the same and after affording reasonable opportunity to petitioner, pass a speaking order

in accordance with law. The petitioner shall not be evicted from the subject land for a period of four weeks.

Subject to above observation, the writ petition is disposed of. No costs.

_____

N.V.RAMANA,J

24TH JAN,2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collectore, Kadapa District, Kadapa.
2 The Revenue Divisional Officer, Kadapa./
3 The Mandal Revenue Officer, Kadapa.
4 J. Raghunatha Reddy, S/o. J. Laxminarayana Reddy,
4/633-12, Aravinda Nagar, Kadapa.

5.2CCs to Government Pleader for Revenue, High Court buildings, Hyderabad (OUT)

6.2CD copies

7.2CCs to

*Form-NIC-OGS/WP{**SPJS**}*